

1 E. MARTIN ESTRADA
United States Attorney
2 MACK E. JENKINS
Assistant United States Attorney
3 Chief, Criminal Division
JEREMY K. BEECHER (Cal. Bar No. 301272)
4 Assistant United States Attorney
General Crimes Section
5 1200 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-5429
7 Facsimile: (213) 894-0141
E-mail: jeremy.beecher@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MIHAI CRISTEA,

16 Defendant.

No. 2:23-cr-00117-DMG-1

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

CURRENT TRIAL DATE: 5/16/23
PROPOSED TRIAL DATE: 7/25/23

18
19 Plaintiff United States of America, by and through its counsel
20 of record, the United States Attorney for the Central District of
21 California and Assistant United States Attorney JEREMY K. BEECHER,
22 and defendant MIHAI CRISTEA ("defendant"), both individually and by
23 and through his counsel of record, GEORGE MGDESYAN, hereby stipulate
24 as follows:

25 1. The Indictment in this case was filed on March 15, 2023.
26 Defendant first appeared before a judicial officer of the court in
27 which the charges in this case were pending on March 2, 2023. The
28

1 Speedy Trial Act, 18 U.S.C. § 3161, originally required that the
2 trial commence on or before May 24, 2023.

3 2. On March 23, 2023, the Court set a trial date of May 16,
4 2023, and a pretrial conference date of May 3, 2023.

5 3. Defendant is detained pending trial. The parties estimate
6 that the trial in this matter will last approximately two days.

7 4. By this stipulation, defendant moves to continue the trial
8 date to July 25, 2023, and the pretrial conference to July 12, 2023.
9 This is the first request for a continuance.

10 5. Defendant requests the continuance based upon the following
11 facts, which the parties believe demonstrate good cause to support
12 the appropriate findings under the Speedy Trial Act:

13 a. Defendant is charged with violations of 18 U.S.C. §
14 1344(2): Bank Fraud; 18 U.S.C. § 1028A(a)(1): Aggravated Identity
15 Theft; and 18 U.S.C. § 1029(a)(2): Unlawful Use of Unauthorized
16 Access Devices. The Court entered protective orders on March 30,
17 2023, and the government is in the process of producing discovery to
18 the defense.

19 b. On March 15, 2023, defendant's current counsel
20 substituted in as counsel of record. Defense counsel is presently
21 scheduled to be in trial in People v. Azatyan et. al., Los Angeles
22 Superior Court Case No. BA475142, for approximately 8 weeks starting
23 from April 5, 2023, and Donora Grigoryan v. Enterprise Rent-a-Car
24 Company of LA et. al., Los Angeles Superior Court Case No. BC654195,
25 for approximately 3 weeks starting from June 20, 2023. Accordingly,
26 counsel represents that he will not have the time that he/she
27 believes is necessary to prepare and be available to try this case on
28 the current trial date.

1 c. In light of the foregoing, counsel for defendant also
2 represent that additional time is necessary to confer with defendant,
3 conduct and complete an independent investigation of the case,
4 conduct and complete additional legal research including for
5 potential pre-trial motions, review the discovery and potential
6 evidence in the case, and prepare for trial in the event that a
7 pretrial resolution does not occur. Defense counsel represents that
8 failure to grant the continuance would deny him reasonable time
9 necessary for effective preparation, taking into account the exercise
10 of due diligence.

11 d. Defendant believes that failure to grant the
12 continuance will deny him continuity of counsel and adequate
13 representation.

14 e. The government does not object to the continuance.

15 f. The requested continuance is not based on congestion
16 of the Court's calendar, lack of diligent preparation on the part of
17 the attorney for the government or the defense, or failure on the
18 part of the attorney for the Government to obtain available
19 witnesses.

20 6. For purposes of computing the date under the Speedy Trial
21 Act by which defendant's trial must commence, the parties agree that
22 the time period of May 16, 2023, to July 25, 2023, inclusive, should
23 be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and
24 (h)(7)(B)(iv) because the delay results from a continuance granted by
25 the Court at defendant's request, without government objection, on
26 the basis of the Court's finding that: (i) the ends of justice served
27 by the continuance outweigh the best interest of the public and
28 defendant in a speedy trial; (ii) failure to grant the continuance

1 would be likely to make a continuation of the proceeding impossible,
2 or result in a miscarriage of justice; and (iii) failure to grant the
3 continuance would unreasonably deny defendant continuity of counsel
4 and would deny defense counsel the reasonable time necessary for
5 effective preparation, taking into account the exercise of due
6 diligence.

7 7. Nothing in this stipulation shall preclude a finding that
8 other provisions of the Speedy Trial Act dictate that additional time
9 periods be excluded from the period within which trial must commence.
10 Moreover, the same provisions and/or other provisions of the Speedy
11 Trial Act may in the future authorize the exclusion of additional
12 time periods from the period within which trial must commence.

13 IT IS SO STIPULATED.

14 Dated: May 5, 2023

Respectfully submitted,

15 E. MARTIN ESTRADA
16 United States Attorney

17 MACK E. JENKINS
18 Assistant United States Attorney
Chief, Criminal Division

19 /s/
20 JEREMY K. BEECHER
Assistant United States Attorney

21 Attorneys for Plaintiff
22 UNITED STATES OF AMERICA

23 I am MIHAI CRISTEA's attorney. I have carefully discussed every
24 part of this stipulation and the continuance of the trial date with
25 my client. I have fully informed my client of his Speedy Trial
26 rights. To my knowledge, my client understands those rights and
27 agrees to waive them. I believe that my client's decision to give up
28

1 the right to be brought to trial earlier than July 25, 2023, is an
2 informed and voluntary one.

3 /s/

May 5, 2023

4 GEORGE MGDESYAN
Attorney for Defendant
5 MIHAI CRISTEA¹

Date

26
27 ¹ Pursuant to United States District Court for the Central
28 District of California Local Civil Rule 5-4.3.4, the filing party
attests that all other signatories listed, and on whose behalf the
filing is submitted, concur in the filing's content and have
authorized the filing.